IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 6096 of 2006(A)

PETITIONER:

SHEEBA.K.P,
PRESIDENT, KAYANNA GRAMA PANCHAYATH,
KOZHIKODE.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1.STATE OF KERALA,
REP. BY ITS SECRETARY,
LOCAL SELF GOVERNMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2.THE SECRETARY,
OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
BARTON HILL BUNGLOW, KUNNUKUZHI,
VANCHIYOOR.P.O,
THIRUVANANTHAPURAM.

3.THE DIRECTOR OF PANCHAYATH,
OFFICE OF THE DIRECTORATE OF PANCHAYATH,
THIRUVANANTHAPURAM.

*ADDL.R4. M.RESHIKESAN, MADATHIL HOUSE,
KAYANNA BAZAAR, KOZHIKODE.

*ADDL.R4 IS IMPLEADED AS PER THE ORDER IN I.A.NO.4777/06 DATED 31.3.2006.

R4 BY ADV. SRI.R.PARTHASARATHY
R1 & R3 BY GOVT. PLEADER MR.K.J.MOHAMMED ANSAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.6096 of 2006

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Dated: 12th March, 2007

JUDGMENT

Even though Ext.P2 is impugned by the petitioner on various grounds, the argument of Mr.P.C.Sasidharan, counsel for the petitioner that Ext.P2 at any rate should not have been passed without hearing the petitioner has some appeal. I therefore quash Ext.P2 on that short ground and direct the Government to take a fresh decision after hearing the petitioner and also the 4th respondent. The Government will take a fresh decision within six weeks of receiving a copy of this judgment. The Government will consider the argument of the 4th respondent that under Section 191 of the Panchayat Raj Act the Government has power to pass Ext.P2 without resorting to the procedure which is envisaged by the Kerala Panchayat Raj (Procedure to be adopted on illegal resolutions) Rules, 2003.

The Writ Petition will stand disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**